

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**NOEL BAUTISTA,**  
**Plaintiff**

**v.**

**JOHN WETZEL, et al.,**  
**Defendants**

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**No. 1:21-cv-00126**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 14th day of June 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 12) is **GRANTED**, and Plaintiff's complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted;
2. Plaintiff may file an amended complaint against Defendants that corrects the deficiencies identified in the accompanying Memorandum within thirty (30) days of the date of this Order;
3. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
4. If Plaintiff fails to file an amended complaint within thirty (30) days of the date of this Order, the action is subject to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania